

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12644, of David Schwartz, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) to permit a one story rear addition to a dwelling which is a non-conforming structure in the R-1-B District at the premises 3600 Cumberland Street, N.W., (Square 1979, Lot 10).

HEARING DATE: April 26, 1978

DECISION DATE: May 3, 1978

FINDINGS OF FACT:

1. The subject property is located at the intersection of Cumberland Street and 36th Street, N.W., and is known as 3600 Cumberland Street, N.W. It is in an R-1-B District.

2. Directly to the rear of the subject property is a sixteen foot wide public alley.

3. The applicant seeks the Board's permission to add a one story rear addition to his dwelling which would serve as a breakfast room connected to the kitchen. In order to make the addition, the applicant would require a variance from the rear yard requirements.

4. The R-1-B District requires a rear yard of twenty-five feet, while the applicant proposes to provide 13.5 feet, thus requiring a variance of 11.5 feet or forty-six per cent.

5. The present dwelling is a non-conforming structure in that the left side yard is 0.32 feet less than the required width.

6. The lot is almost square in shape and has nothing extraordinary or exceptional about it to distinguish it from other properties in the block.

7. The lot is one of a row of dwellings all at present having approximately the same rear yard. To allow the extension herein requested would set a unfavorable precedent for the remainder of the houses similarly situated in that block.

8. A former garage attached to the left side of the dwelling has been converted into a family room. It has glass windows on its three external sides. The planned addition in the appropriate dimensions set by the applicant could be put behind this converted garage without any need for variances.

9. The applicant opposed placing the addition behind the family room since it would require the removal of certain windows which would take away some of the light and also require some structural changes.

10. Advisory Neighborhood Commission 3F filed no recommendation on this application.

11. There was no opposition to the applicant. The applicant stated that the only abutting property owner consented to the application.

CONCLUSIONS OF LAW:

The applicant seeks an area variance, the granting of which requires a showing of a practical difficulty that arises from the property itself. Based on the record the Board concludes that there is nothing exceptional about the property to qualify it for the variance, nor is there any practical difficulty arising from the property itself. The property could accommodate an addition without the benefit of a variance. The Board further concludes that the granting of the variance would cause substantial detriment to the public good and would substantially impair the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (Walter B. Lewis, Leonard L. McCants, Charles R. Norris and William F. McIntosh to DENY, Chloethiel Woodard Smith not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: \_\_\_\_\_

STEVEN E. SHER

Executive Director

FINAL DATE OF ORDER: 12 JUN 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



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HEARING DATE: April 26, 1978

DECISION DATE: May 3 1978

DISPOSITION: The Board DENIED the application by a vote of 4-0 (Walter B. Lewis, Leonard L. McCants, Charles R. Norris and William F. McIntosh to deny, Chloethiel Woodard Smith not voting, not having heard the case).

FINAL DATE OF ORDER: June 12, 1978

ORDER

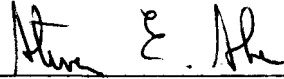
Upon consideration of the applicant's motion for Reconsideration dated June 22, 1978, the Board finds that the motion fails to state an acceptable basis of error on the part of the Board to support a motion for reconsideration. As required by Section 5.45 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment a motion for reconsideration must be carried by four affirmative votes. At its meeting of July 5, 1978, a motion by Charles R. Norris, seconded by William F. McIntosh to deny the motion was carried by a vote of 2-0 (Charles R. Norris, William F. McIntosh to deny, Chloethiel Woodard Smith not voting, not having heard the case, Leonard L. McCants not present, not voting). It not being possible to obtain four affirmative votes for the Motion, it is therefore ORDERED that the Motion for Reconsideration is DENIED.

Application No. 12644

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DECISION DATE: July 5, 1978

VOTE: 2-0 (Charles R. Norris and William F. McIntosh to deny, Chloethiel Woodard Smith not voting, not having heard the case, Leonard L. McCants not present, not voting).



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STEVEN E. SHER

Executive Director

FINAL DATE OF ORDER: 10 JUL 1978